

## **EX-ANTE PUBLICITY OF A NEGOTIATED PROCEDURE FOR THE AWARD OF A LOW OR MIDDLE VALUE CONTRACT UNDER THE EU FINANCIAL REGULATION**

### **1. WHAT IS THIS PUBLICITY ABOUT?**

The European Union Agency for the Operational Management of Large-Scale IT systems in the Area of Freedom, Security and Justice (eu-LISA) is planning to award a middle value contract for **provision of mobile communication services including SIM cards for authorized personnel located in Strasbourg.**

The foreseen maximum value of the contract is **142,000.00 EUR** (one hundred forty-two thousand euros and zero cents), excluding VAT. The initial duration of the contract will be twelve (12) months from the date of its entry into force, which may be automatically renewed for an additional period of twelve (12) months, up to the total maximum of twenty-four (24) months or until the maximum value of the contract is consumed.

### **2. WHO HAS ACCESS TO EU-LISA NEGOTIATED LOW OR MIDDLE VALUE CALLS FOR TENDERS?**

Under Article 176 of the EU Financial Regulation participation is open on equal terms to all natural and legal persons coming within the scope of the EU treaties or established in a third country which has a special agreement with the European Union in the field of public procurement on the conditions laid down in that agreement. This includes:

- All EU Member states and Overseas Countries and Territories.
- Parties to special or bilateral international agreement with the EU in the field of public procurement:
  - European Economic Area agreement (EEA): Iceland, Norway and Liechtenstein.
  - Stabilisation and Association Agreements (SAA): North Macedonia, Albania, Montenegro, Serbia, Bosnia and Herzegovina and Kosovo.
  - Association Agreements: Georgia, Moldova and Ukraine have access to procurement procedures for supplies whose value is equal or above EUR 133,000, subject to general exceptions.
  - Bilateral Free Trade Agreements: parties to such agreements (see [here](#)) have access to procurement procedures of the European Commission, EEAS and the Council on their own account if the estimated value of the procedure is equal or

above the thresholds established in the respective agreements and their annexes.

⚠ The Contracting authority may exceptionally accept participation of economic operators from other countries without creating a precedent or obligation for the future. Please consult the details of the eTendering planned call for tenders to check if such exceptional ad hoc admission is foreseen.

The rules on access to procurement do not apply to subcontractors unless a specific provision to the contrary is included in the planned call for tenders details. Subcontracting may not be used with the intent to circumvent the rules on access to procurement.

### 3. HOW TO EXPRESS INTEREST?

If you are interested in this contract, please send an email, together with the filled-in reply form, in one of the official languages of the European Union, preferably in English, no later than **the 16th of December 2024 at 17:00 EET (UTC+2)**, to the following email address:

[eulisa-PROCUREMENT@eulisa.europa.eu](mailto:eulisa-PROCUREMENT@eulisa.europa.eu)

Kindly note that the deadline of 16th of December 2024 is the time limit only for the expression of interest. Please be informed that the actual procedure will be launched after the above-mentioned deadline by sending written invitations to all economic operators which have expressed their interest as well as to any other economic operator that the contracting authority (eu-LISA) wishes to invite.

Entities established in a country that has access to the procurement (see §2) can also express interest to participate in the planned procedure by clicking on “*Express interest*” in the eTendering planned call for tenders’ details page (see [eTendering help page](#)).

It is possible to express interest as an individual organisation or a consortium.

Economic operators interested in the subject of this publicity are asked to note that this is **not a call for tenders**. It is a publication to announce the Contracting authority’s intention to launch a negotiated procedure for the award of a low or middle value contract and allow interested economic operators to express their interest.

⚠ This publication is made pursuant to point 3.1 of Annex I to [Regulation \(EU, Euratom\) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of](#)

the Union (the EU Financial Regulation)<sup>1</sup> which requires ex-ante advertising of negotiated procedures for the award of middle and low value contracts (below €143,000 for services and supplies and €5,538,000 for works).

#### **4. WHERE CAN THE CALL FOR TENDERS' SPECIFICATIONS BE CONSULTED?**

All the information available about the planned procedure at this stage can be found in the eTendering planned call for tenders' details page.

The documentation of the actual call for tenders (invitation letter, tender specifications and draft contract) will be provided only to invited candidates when the procedure is launched in eTendering.

👉 The Contracting authority reserves the right not to launch the planned procedure or to cancel or abandon it, without any right to compensation,

#### **5. WHO WILL BE INVITED TO SUBMIT A TENDER?**

Only invited candidates having received an invitation to tender from the Contracting authority may participate in the planned procedure.

Consequently, any tender received from a legal or natural person not invited to tender, even if in a consortium with an invited candidate, will be rejected. Therefore, if it is the case, please express your interest as a consortium. As an alternative, you may freely use subcontracting when submitting an offer.

If you have expressed interest in this publicity and you have access to the procurement (see § 2), you will be invited to submit a tender. The Contracting authority reserves the right to invite also other economic operators than those having expressed interest following this ex-ante publicity.

👉 Invited candidates can submit a joint tender with other economic operators only if they have expressed interest in the planned procedure as a consortium.

Subcontracting is permitted.

#### **6. HOW IS YOUR PERSONAL DATA PROTECTED?**

If processing your expression of interest involves the recording and processing of personal data (such as name, address and CV), such data will be processed pursuant to Regulation (EU) 2018/1725<sup>2</sup> of 23 October 2018

<sup>1</sup> Applicable by virtue of Article 89 of the Agency's Financial Rules, adopted by Decision of the Management Board No 2019-198 REV1 of 28 August 2019 establishing the Financial Rules of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereinafter referred to as 'the AFR').

<sup>2</sup> OJ L 295, 21.11.2018, p. 39

on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC. Any personal data will be processed solely for the purposes of the future invitation to tender.

Details concerning the processing of personal data are available in the privacy statement below:

<https://www.eulisa.europa.eu/Procurement/Procurement%20Other%20Documents/Privacy%20statement%20euLISA%20EN.pdf>

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, you can contact the data controller at [eulisa-procurement@eulisa.europa.eu](mailto:eulisa-procurement@eulisa.europa.eu) by explicitly specifying your request.